

S.B. Civil Contempt Petition (Writ) No. 309/2006

(Santosh Kumari Ladav Vs. Raj Singh & ors.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. H.S. Sidhu, for the petitioner.

Mr. S.K. Vyas, Government Advocate.

Heard learned counsel for the parties.

Learned counsel for the petitioner submits that in compliance of the order of this Court dated 16-9-2005, the petitioner has been appointed. However, the appointment of the petitioner, as directed by this Court was to be made from the date a person junior to her has been appointed and, therefore, according to the learned counsel for the petitioner, the appointment of the petitioner has to relate back from the date a person junior to her was appointed.

Learned Government Advocate submits that the matter is under process and a corrigendum is likely to be issued making the effective date of appointment of the petitioner from the date when a person junior to her has been appointed.

In this view of the matter, there is substantial compliance of the order of this Court and, there is no deliberate or willful disobedience of the order of this Court. Therefore, the

contempt petition is disposed of. The notices are discharged.

(H.R. PANWAR), J.

mcs

S.B. Civil Contempt Petition No. 311/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Mukesh Rajpurohit, for the petitioners.
Mr. S.K. Vyas, Government Advocate.

Learned counsel counsel for the parties submit that the order of this Court dated 5-4-2005 has been complied with in respect of many of the petitioners. Learned Government Advocate appearing for the respondents submits that those who have not been made payment so far in compliance of the order of this Court, will be paid the same within a short period. In this view of the matter, there is substantial compliance of the order of this Court and thus, there is no willful and deliberate disobedience of the order of this Court. The contempt petition is, therefore, disposed of. The notices are discharged.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 4471/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mrs. Anupama Sharma, for the petitioner.

Mr. N.M. Toshniwal, for Mr. N.M. Lodha, Addl. Advocate General.

At the request, the matter is adjourned to July, 2007.

(H.R. PANWAR), J.

mcs

S.B. Criminal Misc. Application No.5588/2006 (DR. J.)
in
S.B. Criminal Misc. Petition No.70/2006
(Hari Shanker & ors. Vs. State of Rajasthan)

Date of Order: May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. M.A. Siddiqui, for the petitioners.
Mr. B.L. Tiwari, Public Prosecutor for the State.

Learned counsel for the petitioners does not want to
press the petition. The petition is dismissed as not pressed.

(H.R. PANWAR), J.

mcs

S.B. Criminal Misc. Application No.285/2007 (DR. J.)
in
S.B. Criminal Misc. Petition No.1079/2006
(Abdul Jabbar Choudhary . Vs. State of Rajasthan)

Date of Order: May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. M.A. Siddiqui, for the petitioners.
Mr. B.L. Tiwari, Public Prosecutor for the State.

Learned counsel for the petitioners does not want to
press the petition. The petition is dismissed as not pressed.

(H.R. PANWAR), J.

mcs

S.B. Civil Restoration Application No.42/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R.C. Joshi for Mr. Trilok Joshi, for the petitioners.

By the instant application for restoration, the petitioner seeks restoration of SBCWP No.1889/2007 which came to be dismissed vide order dated 8-5-2007 in default.

The application is supported by an affidavit of the counsel Mr. Trilok Joshi. The petitioner has explained the reason which prevented the counsel to appear before the Court. For the reasons mentioned in the application and the affidavit, the application for restoration is allowed and SBCWP No. 1889/2007 is restored to its original number.

(H.R. PANWAR), J.

mcs

S.B. Civil Restoration Application No.49/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mrs. Anupama Sharma, for the petitioners.

By the instant application for restoration, the petitioner seeks restoration of SBCWP No.2193/2007 which came to be dismissed vide order dated 21-3-1007 in default.

The application is supported by an affidavit of the counsel Mrs. Anupama Sharma. The petitioner has explained the reason which prevented the counsel to appear before the Court. For the reasons mentioned in the application and the affidavit, the application for restoration is allowed and SBCWP No. 2193/2006 is restored to its original number.

(H.R. PANWAR), J.

mcs

S.B. Civil Misc. Contempt Petition No. 141/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. P.S. Chundawat, for the petitioners.

Put up after summer vacation.

(H.R. PANWAR), J.

mcs

S.B. Civil Misc. Contempt Petition No. 186/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Vinit Chaudhary for Mr. Harish Purohit, for the petitioner.

Learned counsel for the petitioner wishes to make fresh representation. The petitioner is permitted to make a detailed representation in the light of the communication dated 30-11-2006 to the respondent Authority and if such a representation is made, the respondent authority is directed to consider and decide the same within two months therefrom in accordance with law.

With these directions, the contempt petition stands disposed of.

(H.R. PANWAR), J.

mcs

S.B. Civil Misc. Contempt Petition No. 198/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Ramesh Purohit, for the petitioner.

Learned counsel for the petitioner wishes to make fresh representation. The petitioner is permitted to make a detailed representation to the respondent Authority and if such a representation is made, the respondent authority is directed to consider and decide the same within two months therefrom in accordance with law.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Misc. Contempt Petition No. 197/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Vinay Jain, for the petitioner.

Learned counsel for the petitioner wishes to make fresh representation. The petitioner is permitted to make a detailed representation to the respondent Authority and if such a representation is made, the respondent authority is directed to consider and decide the same within two months therefrom in accordance with law.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Misc. Contempt Petition No. 190/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Vinit Dave, for the petitioner.

Issue notice to the respondents as to why action under the Contempt of Court Act may not be taken against them.

(H.R. PANWAR), J.

mcs

S.B. Civil Misc. Contempt Petition No. 195/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Ramesh Purohit, for the petitioners.

Issue notice to the respondents as to why action under the Contempt of Court Act may not be taken against them.

(H.R. PANWAR), J.

mcs

S.B. Civil Misc. Contempt Petition No. 200/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. H.S. Sidhu, for the petitioner.

Issue notice to the respondents as to why action under the Contempt of Court Act may not be taken against them.

(H.R. PANWAR), J.

mcs

S.B. Criminal Jail Appeal No.633/2004

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Mahaveer Bishnoi, for the appellant.
Mr. B.L. Tiwari, Public Prosecutor.

Learned Public Prosecutor prays and is granted four weeks' time for showing the cause for opposing the release of the appellant on bail.

(H.R. PANWAR), J.

mcs

S.B. Criminal Misc. Second Bail Application No.668/2007
in
S.B. Criminal Appeal No.259/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. B.S. Rathore, for the appellant.
Mr. B.L. Tiwari, Public Prosecutor.

Heard learned counsel for the parties.

Learned counsel for the appellant submits that earlier an application for suspension of sentence came to be dismissed as it was not pressed. However, it was directed to list the matter for hearing in the month of August, 2005 but despite the direction of this Court, the matter has not been listed for hearing and, therefore, the learned counsel submits that at this stage also, he does not press the application seeking suspension of sentence, but requests that the matter may be listed for final disposal in the month of July, 2007.

The application seeking suspension of sentence is, therefore, dismissed as not pressed. List the matter in the month of July 2007 for final disposal.

(H.R. PANWAR), J.

mcs

S.B. Criminal Appeal No. 1166/2004

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. D.K. Gaur, for the appellant.

Mr. B.L. Tiwari, Public Prosecutor.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3319/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Tribhuvan Gupta, for the petitioner.

Heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner was given compassionate appointment vide order Annx.1 dated 31-3-2004, in which there was no such condition that the petitioner was required to pass the Type Test. However, vide order Annx.2 dated 14-5-2007, the petitioner has been asked to show the certificate by which she passed the Type Test else her services will be terminated.

Learned counsel for the petitioner submits that if an opportunity is given to the petitioner, the petitioner will pass the Type Test within the period of six months.

Issue notice for final disposal returnable within six weeks. Till next date, the operation and effect of the impugned order Annx.2 dated 14-5-2007 shall remain stayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3322/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. K.K. Shah, for the petitioner.

Heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that vide order Annx.1, the petitioner was called to Walk in Interview for the post of Principal, Aavasiya School, Kushalgarh, district Banswara and accordingly he appeared in interview and was selected for deputation and in pursuance thereof he was sent on deputation vide order Annx.P/1. Learned counsel for the petitioner submits that by the advertisement Annx.5, the petitioner is being dislodged from the deputation without obtaining the consent of the petitioner.

Issue notice returnable within six weeks. Till next date, the petitioner will be allowed to continue as the Principal, Aavasiya School Khusalgarh, district Banswara.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3330/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. M.P. Goswami, for the petitioner.

Learned counsel for the petitioner submits that in identical writ petition being SBCWP No.2587/2007, the notices have been issued to the respondents and by an ad interim order, the respondents have been directed to provisionally permit the petitioner therein to appear in the examination in pursuance of the notification dated 9-4-2007.

Learned counsel for the petitioner submits that the vacancies for the post of Sub-Inspector have been advertised vide order dated 9-4-2007 by the respondent RPSC for the Examination 2007. The last vacancy was advertised for the year 2000 and for last about 6 to 7 years, the respondents neither determined the vacancies nor advertised the same and therefore in the meantime, the petitioner became overage. Had the vacancies been determined year-wise, the petitioner was well within the age. He has relied on a decision of a Division Bench of this Court in Prakash Chand etc. Vs. State of Rajasthan & ors., (1990 (2) RLR 1, as also a decision of this Court in Banshi Lal Vs. State of Rajasthan, 2007 (2) RLW 1067. Learned counsel for the

petitioner submits that the petitioner has already submitted the form for the said examination.

Issue notice returnable within six weeks.

In the meantime, if the examinations for the post of Sub-Inspector in pursuance of the notification dated 9-4-2007 are held by the respondents and the respondent RPSC has received the application form of the petitioner on or before the last date of submission of the application forms, the respondents are directed to provisionally permit the petitioner to appear in the said examination and the result thereof shall be subject to the decision of the writ petition.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3330/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. M.P. Goswami, for the petitioner.

Learned counsel for the petitioner submits that in identical writ petition being SBCWP No.2587/2007, the notices have been issued to the respondents and by an ad interim order, the respondents have been directed to provisionally permit the petitioner therein to appear in the examination in pursuance of the notification dated 9-4-2007.

Learned counsel for the petitioner submits that the vacancies for the post of Sub-Inspector have been advertised vide order dated 9-4-2007 by the respondent RPSC for the Examination 2007. The last vacancy was advertised for the year 2000 and for last about 6 to 7 years, the respondents neither determined the vacancies nor advertised the same and therefore in the meantime, the petitioner became overage. Had the vacancies been determined year-wise, the petitioner was well within the age. He has relied on a decision of a Division Bench of this Court in Prakash Chand etc. Vs. State of Rajasthan & ors., (1990 (2) RLR 1, as also a decision of this Court in Banshi Lal Vs. State of Rajasthan, 2007 (2) RLW 1067. Learned counsel for the

petitioner submits that the petitioner has already submitted the form for the said examination.

Issue notice returnable within six weeks.

In the meantime, if the examinations for the post of Sub-Inspector in pursuance of the notification dated 9-4-2007 are held by the respondents and the respondent RPSC has received the application form of the petitioner, the respondents are directed to provisionally permit the petitioner to appear in the said examination.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3333/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R.S. Chaudhary, for the petitioner.

The grievance of the petitioner is that the petitioner is a handicapped person and, therefore, in view of Circular No.15 (3)Pr.Su/Sam/1/2000 dated 20-7-2000 issued under the Rajasthan Employment of Physically Handicapped Persons Rules, 1976, the petitioner's case was to be considered for posting to the home district or to the place nearer to the place desired by him. The petitioner made a representation, which has not been decided by the respondents and, therefore, the respondents may be directed to consider and decide the representation expeditiously. In my view, the petitioner can be permitted to make a fresh and detailed representation to the respondents.

In this view of the matter, the petitioner is permitted to make a fresh and detailed representation along with Circular dated 20-7-2000 to the respondent authority within fifteen days from today. If such a representation is made, the respondent authority shall consider and decide the same keeping in view the fact that the Circular dated 20-7-2000 provides the transfer of the physically handicapped persons to their home district or to

the place nearer to the place desired by them.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3334/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R.S. Chaudhary, for the petitioner.

The grievance of the petitioner is that the petitioner is a handicapped person and, therefore, in view of Circular No.15 (3)Pr.Su/Sam/1/2000 dated 20-7-2000 issued under the Rajasthan Employment of Physically Handicapped Persons Rules, 1976, the petitioner's case was to be considered for posting to the home district or to the place nearer to the place desired by him. The petitioner made a representation, which has not been decided by the respondents and, therefore, the respondents may be directed to consider and decide the representation expeditiously. In my view, the petitioner can be permitted to make a fresh and detailed representation to the respondents.

In this view of the matter, the petitioner is permitted to make a fresh and detailed representation along with Circular dated 20-7-2000 to the respondent authority within fifteen days from today. If such a representation is made, the respondent authority shall consider and decide the same keeping in view the fact that the Circular dated 20-7-2000 provides the transfer of the physically handicapped persons to their home district or to

the place nearer to the place desired by them.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3336/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R.S. Chaudhary, for the petitioner.

The grievance of the petitioner is that the petitioner is a handicapped person and, therefore, in view of Circular No.15 (3)Pr.Su/Sam/1/2000 dated 20-7-2000 issued under the Rajasthan Employment of Physically Handicapped Persons Rules, 1976, the petitioner's case was to be considered for posting to the home district or to the place nearer to the place desired by him. The petitioner made a representation, which has not been decided by the respondents and, therefore, the respondents may be directed to consider and decide the representation expeditiously. In my view, the petitioner can be permitted to make a fresh and detailed representation to the respondents.

In this view of the matter, the petitioner is permitted to make a fresh and detailed representation along with Circular dated 20-7-2000 to the respondent authority within fifteen days from today. If such a representation is made, the respondent authority shall consider and decide the same keeping in view the fact that the Circular dated 20-7-2000 provides the transfer of the physically handicapped persons to their home district or to

the place nearer to the place desired by them.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3337/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R.S. Chaudhary, for the petitioner.

The grievance of the petitioner is that the petitioner is a handicapped person and, therefore, in view of Circular No.15 (3)Pr.Su/Sam/1/2000 dated 20-7-2000 issued under the Rajasthan Employment of Physically Handicapped Persons Rules, 1976, the petitioner's case was to be considered for posting to the home district or to the place nearer to the place desired by him. The petitioner made a representation, which has not been decided by the respondents and, therefore, the respondents may be directed to consider and decide the representation expeditiously. In my view, the petitioner can be permitted to make a fresh and detailed representation to the respondents.

In this view of the matter, the petitioner is permitted to make a fresh and detailed representation along with Circular dated 20-7-2000 to the respondent authority within fifteen days from today. If such a representation is made, the respondent authority shall consider and decide the same keeping in view the fact that the Circular dated 20-7-2000 provides the transfer of the physically handicapped persons to their home district or to

the place nearer to the place desired by them.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2951/2007
(Anil Purohit Vs. State of Rajasthan & ors.)

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. S.S. Sharma, for the petitioner.

Learned counsel for the petitioner submits that in identical writ petition being SBCWP No.2587/2007, the notices have been issued to the respondents and by an ad interim order, the respondents have been directed to provisionally permit the petitioner therein to appear in the examination in pursuance of the notification dated 9-4-2007.

Learned counsel for the petitioner submits that the vacancies for the post of Sub-Inspector have been advertised vide order dated 9-4-2007 by the respondent RPSC for the Examination 2007. The last vacancy was advertised for the year 2000 and for last about 6 to 7 years, the respondents neither determined the vacancies nor advertised the same and therefore in the meantime, the petitioner became overage. Had the vacancies been determined year-wise, the petitioner was well within the age. He has relied on a decision of a Division Bench of this Court in Prakash Chand etc. Vs. State of Rajasthan & ors., (1990 (2) RLR 1, as also a decision of this Court in Banshi Lal Vs. State of Rajasthan, 2007 (2) RLW 1067. Learned counsel for the

petitioner submits that the petitioner has already submitted the form for the said examination.

Issue notice returnable within six weeks.

In the meantime, if the examinations for the post of Sub-Inspector in pursuance of the notification dated 9-4-2007 are held by the respondents and the respondent RPSC has received the application form of the petitioner on or before the last date of submission of the application forms, the respondents are directed to provisionally permit the petitioner to appear in the said examination and the result thereof shall be subject to the decision of the writ petition.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No.3324/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Pradeep Chaudhary, for the petitioner.

Admit. Issue notice. In the meanwhile and until further orders, the respondents are directed to treat the petitioner as Constable (MT).

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No.3325/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Pradeep Chaudhary, for the petitioner.

Admit. Issue notice. In the meanwhile and until further orders, the respondents are directed to treat the petitioner as Constable (MT).

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No.3326/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Pradeep Chaudhary, for the petitioner.

Admit. Issue notice. In the meanwhile and until further orders, the respondents are directed to treat the petitioner as Constable (MT).

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No.3327/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Pradeep Chaudhary, for the petitioner.

Admit. Issue notice. In the meanwhile and until further orders, the respondents are directed to treat the petitioner as Constable (MT).

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No.3328/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Pradeep Chaudhary, for the petitioner.

Admit. Issue notice. In the meanwhile and until further orders, the respondents are directed to treat the petitioner as Constable (MT).

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3320/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Pankaj Kumar Bohra, for the petitioner.

Issue notice.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3315/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. L.D. Khatri, for the petitioner.

Issue notice returnable within six weeks. Till next date, the operation and effect of the impugned order Annx.7 shall remain stayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3316/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Sangeet Lodha, for the petitioner.

Issue notice returnable within eight weeks.

Meanwhile and till further orders, the effect and operation of the impugned Award Annx.1 shall remain stayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3335/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R.S. Choudhary, for the petitioner.

Issue notice returnable within three weeks and be given "Dasti" to the learned counsel for the petitioner.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1763/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. B.S. Sandhu, for the petitioners.

By an application being IA No.1993/2007, the petitioners submit that fresh notice be issued to the unserved respondents.

Having heard the learned counsel for the petitioners, the application is allowed. Issue fresh notice to the unserved respondents. Learned counsel for the petitioners submits that he has filed the requisite P.F. and notices. Fresh notice be issued to the respondents returnable within five weeks and be given "Dasti" to the learned counsel for the petitioners.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 7519/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. M.S. Purohit, for the petitioner.

List the matter along with S.B. Civil Writ Petition
No.7518/2006 on 10-7-2007. Interim order to continue till then.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 58/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R.K. Singhal, for the petitioner.

Mr. Pankaj Gupta, for the respondents.

Learned counsel for the petitioner prays and is granted four weeks' time to file reply to the IA No. 2215/2007 filed by the respondent No.2 under Article 226 (3) of the Constitution of India. Interim order to continue.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3346/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Mukesh Rajpurohit, for the petitioner.

Issue notice returnable on 03-7-2007 and be given
"Dasti" to the learned counsel for the petitioner.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2815/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. G.J. Gupta, for the petitioner.

By an application being IA No.2290/2007, the petitioner seeks early listing of the matter. The application is allowed. List the matter on 02-7-2007, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 7418/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Vinay Jain, for the petitioner.

Mr. Kuldeep Mathur, for the respondents.

The application being IA No2305/2007 has been filed by the respondent-workman under Section 17-B of the Industrial Disputes Act, 1947 (for short, "the Act" hereinafter) stating therein that he is not in gainful employment with any establishment from the date of his termination. Reply to the application under Section 17-B of the Act has been filed.

Having heard the learned counsel for the parties, the application is allowed. The petitioner is directed to make the payment of the wages to the respondent-workman in accordance with the provisions of Section 17-B of the Act month by month from the date of the Award 5-12-2006. It is made clear that the amount i.e. required to be paid in compliance of the provisions of Section 17-B of the Act shall not be less than the minimum wages prescribed by the Government of Rajasthan.

(H.R. PANWAR), J.

mcs

S.B. Criminal Appeal No. 808/2001

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. V.K. Sharma, for the appellant.

Mr. B.L. Tiwari, Public Prosecutor for the State.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 337/1998

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. P.K. Lohra, for the petitioner.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 5576/2003

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. P.S. Chundawat, for the petitioner.

Mr. N.M. Lodha, Additional Advocate General.

List the matter for hearing in Due Course. The stay
petition is dismissed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 5049/2003

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. P.S. Bhati, for the petitioner.

Mr. N.M. Lodha, Additional Advocate General.

List the matter for hearing in Due Course. The stay
petition is dismissed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 6059/2003

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. N.R. Choudhary, for the petitioner.

Mr. N.M. Lodha, Additional Advocate General.

List the matter for hearing in Due Course. The stay
petition is dismissed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 6489/2003

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Dharendra Singh, for the petitioner.

Mr. N.M. Lodha, Additional Advocate General.

List the matter for hearing in Due Course. The stay
petition is dismissed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2061/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. M.R. Singhvi, for the petitioner.

Mr. B.L. Tiwari, Deputy Government Advocate.

This comes up on a stay application.

Heard learned counsel for the parties. The ad interim order dated 15-12-2005 is made absolute till final disposal of the writ petition. The stay petition stands disposed of.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3832/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Sangeet Lodha, for the petitioner.

Mr. Bharat Shrimali for Mr. Shambhoo Singh for respondents.

This comes up on the stay petition. Heard learned counsel for the parties. The interim order dated 11-7-2005 is made absolute. The stay petition stands disposed of.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 854/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Sangeet Lodha, for the petitioner.

Mr. P.S. Chundawat, for respondents.

This comes up on the stay petition. Heard learned counsel for the parties. The interim order dated 9-1-2007 is made absolute. The stay petition stands disposed of.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 846/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Sangeet Lodha, for the petitioner.

List along with SBCWP No.3832/2005.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 6024/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Sangeet Lodha, for the petitioner.

This comes up on the stay petition. Heard learned counsel for the parties. The interim order dated 19-10-2005 is made absolute. The stay petition stands disposed of.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 5815/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

None present for the petitioner.

Mr. P.K. Bhansali, for the respondents.

No one appears for the petitioner. At the request of learned counsel for the respondents, list the matter after summer vacation.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1214/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Sangeet Lodha, for the petitioner.

This comes up on the stay petition. Heard learned counsel for the parties. The interim order dated 4-11-2004 is made absolute. The stay petition stands disposed of.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1465/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Sangeet Lodha, for the petitioner.

This comes up on the stay petition. Heard learned counsel for the parties. The interim order dated 4-10-2006 is made absolute. The stay petition stands disposed of.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 6192/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R.S. Saluja, for the petitioner.

Learned counsel for the petitioner submits that the petitioner has already filed an affidavit as directed by this Court vide order dated 25-1-2007. List the matter after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 101/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R. Guleria, for the petitioner.

Mr. V.K. Mathur, for the respondents.

This comes up for order on a stay petition.

Heard learned counsel for the parties. The petition was filed way back on 21-4-2004 and for the last four years, there is no stay order.

I have heard learned counsel for the parties. No case for grant of stay is made out. The stay petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 534/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Manohar Singh, for the petitioner.
Mr. B.L. Tiwari, Deputy Govt. Advocate.
Mr. D.S. Rajvi, for respondents No.2 and 3.

This comes up for order on stay petition. Having heard the learned counsel for the parties, no case for grant of stay is made out. The stay petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1670/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. B.L. Tiwari, Deputy Govt. Advocate.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1803/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Ms. Nupur Bhati, for the petitioner.

Mr. G.R. Punia, for the respondents.

Put up on 04-7-2007, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1343/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Ms. Nupur Bhati, for the petitioner.

Mr. G.R. Punia, for the respondents.

Put up on 04-7-2007, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1342/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Ms. Nupur Bhati, for the petitioner.

Mr. G.R. Punia, for the respondents.

Put up on 04-7-2007, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1804/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Ms. Nupur Bhati, for the petitioner.

Mr. G.R. Punia, for the respondents.

Put up on 04-7-2007, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1805/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Ms. Nupur Bhati, for the petitioner.

Mr. G.R. Punia, for the respondents.

Put up on 04-7-2007, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3090/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Ms. Nupur Bhati, for the petitioner.

Mr. G.R. Punia, for the respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3864/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

None present for the petitioner.

Mr. S.S. Ladrecha, for the respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3875/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Vinit Dave, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 5000/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Mukul Singhvi, for the petitioner.
Mr. B.L. Tiwari, Deputy Govt. Advocate.

Learned Deputy Govt. Advocate prays and is granted
four weeks' time to file reply.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 5587/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Harish Purohit, for the petitioner.
None present for respondents.

This comes up for orders on stay application.

Heard learned counsel for the petitioner. No one appears for the respondent though service. The ad interim order dated 6-10-2006 is made absolute. The stay petition stands disposed of.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 6418/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Harish Purohit, for the petitioner.

Mr. Sandeep Shah, for respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 6521/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Girish Joshi, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 6883/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Girish Joshi, for the petitioner.

Mr. N.M. Lodha, Additional Advocate General.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 7203/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R.N. Upadhyaya for Mr. P.S. Chandawat,, for the petitioner.
Mr. Bharat Shrimali, for the respondents.

Learned counsel for the respondents prays and is
granted four weeks' time to file reply.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 7465/2006

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. G.R. Punia, for the petitioner.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1134/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Akhilesh Agrawal, for the petitioner.

Await service of notice for further four weeks. List the matter in the second week of July, 2007 along with SBCWP Nos. 6956/2003 and 6964/2003, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1133/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Akhilesh Agrawal, for the petitioner.

Await service of notice for further four weeks. List the matter in the second week of July, 2007 along with SBCWP Nos. 6956/2003 and 6964/2003, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1959/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Dr. Sachin Acharya, for the petitioner.

Await service of notice on unserved respondents for further four weeks.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2126/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. K.V. Vyas, for the petitioner.

Learned counsel for the petitioner submits that in the instant case, reply has been filed by the respondents. From a perusal of the file, it appears that no reply is tagged with the file. Office to tag the reply with the file. Put up after summer vacation.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2151/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Kuldeep Mathur, for the petitioner.

Await service of notice for four weeks. Interim order
to continue. Interim order to continue.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2153/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Kuldeep Mathur, for the petitioner.

Await service of notice for four weeks. Interim order
to continue. Interim order to continue.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2154/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Kuldeep Mathur, for the petitioner.

Await service of notice for four weeks. Interim order
to continue. Interim order to continue.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2214/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Kuldeep Mathur, for the petitioner.

Await service of notice for four weeks. Interim order
to continue.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 240/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. S.P. Sharma, for the petitioner.

Await service of notice for six weeks.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2403/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. S.P. Sharma, for the petitioner.

Await service of notice for six weeks.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2419/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. C.S. Kotwani, for the petitioner.

Await service of notice for four weeks.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2666/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Mahesh Bora, for the petitioner.

Learned counsel for the petitioner submits that the notices have been served on respondents No.1 and 3 and the Acknowledgement Due (AD) have been filed. No such Acknowledgement Dues are on record. Office to check and tag the same with the file. Put up in July, 2007, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2676/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R.S. Saluja, for the petitioner.

Await service of notice on unserved respondents for
four weeks.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2832/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Mahesh Bora, for the petitioner.

Mr. Manoj Bhandari, for the respondents No. 1,2, 4 and 5.

Issue fresh notice to respondent No.3 returnable within five weeks and be given "Dasti" to the learned counsel for the petitioner. Mr. Manoj Bhadar seeks and is granted five weeks' time to file reply.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 13/2007

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. J.K. Chanda, for the petitioner.

At the request, the matter is adjourned to July, 2007.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 512/2001

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. N.M. Lodha, Additional Advocate General
Mr. R.S. Saluja, for the petitioner.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 6499/2003

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. N.M. Lodha, Additional Advocate General
Mr. R.S. Saluja, for the petitioner.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2568/2001

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. R.N. Upadhyaya, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 5262/2003

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. D.R. Gurjar, for the petitioner.

Mr. Vineet Mathur, for the respondents.

Released from part-heard. It may not be treated as a
part-heard matter. Put up after summer vacation.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1138/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Tribhuvan Gupta, for the petitioner.

Mr. Ravi Bhansali, for the respondents.

At the request, the matter is adjourned.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1155/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Mr. Hemant Jain, for the petitioner.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1887/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

None present for the petitioner.
Mr. B.L. Tiwari, Deputy Govt. Advocate.

No one appears for the petitioner. The matter is
adjourned.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2124/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

Dr. P.S. Bhati, for the petitioner.

Mr. Vinit Kumar Mathur, for respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2448/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

None present for the petitioner.

No one appears for the petitioner. The matter is adjourned.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2449/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

None present for the petitioner.

No one appears for the petitioner. The matter is adjourned.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2562/2005

Date of Order:

May 30, 2007

HON'BLE MR. JUSTICE H.R. PANWAR, J.

None present for the petitioner.

No one appears for the petitioner. The matter is released from tied-up case. Put up after summer vacation.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2667/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Sandeep Shah, for the petitioner.

Put up in the second week of July, 2007, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2757/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Nimesh Suthar for Mr. S.N. Trivedi, for the petitioner.

Learned counsel appearing for the petitioner seeks short adjournment. List the matter after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3055/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. P. Bohra, for the petitioner.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 4896/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Ranjeet Joshi, for the petitioner.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3287/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. V.S. Sankhala, for the petitioner.

At the request, the matter is adjourned.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3556/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. K.L. Thakur, Additional Advocate General.

Mr. R.S. Saluja, for the respondents.

List the matter after summer vacation along with
SBCWP Nos. 46/2006, 3650/2005, 4593/2005, 957/2006,
989/2006, 991/2006, 1185/2006, 1639/2006, 2910/2006,
5021/2006, 5022/2006, 5640/2006, 1186/2006, 3816/2005 and
3817/2005.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3650/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. K.L. Thakur, Additional Advocate General.

Mr. R.S. Saluja, for the respondents.

List the matter after summer vacation along with
SBCWP No. 3556/2005.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 4593/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. K.L. Thakur, Additional Advocate General.

Mr. R.S. Saluja, for the respondents.

List the matter after summer vacation along with
SBCWP No. 3556/2005.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3816/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. K.L. Thakur, Additional Advocate General.

Mr. R.S. Saluja, for the respondents.

List the matter after summer vacation along with
SBCWP No. 3556/2005.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3817/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. K.L. Thakur, Additional Advocate General.

Mr. R.S. Saluja, for the respondents.

List the matter after summer vacation along with
SBCWP No. 3556/2005.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3883/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

None present for the petitioner.

Mr. N.M. Toshniwal for Mr. N.M. Lodha, AAG.

Mr. J.P. Joshi, for the respondent RPSC.

No one appears for the petitioner. List the matter
after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 4642/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

None present for the petitioner.

Mr. N.M. Toshniwal for Mr. N.M. Lodha, AAG.

Mr. J.P. Joshi, for the respondent RPSC.

No one appears for the petitioner. List the matter
after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 4234/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

None present for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate.

No one appears for the petitioner. The matter is
adjourned.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 4572/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. P.K. Lohra, for the petitioner.

Mr. Vinit Kumar Mathur, for respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 4900/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. R.S. Saluja, for the petitioner.

Mr. Rameshwar Dave, Deputy Govt. Advocate.

Learned Deputy Government Advocate submits that identical matter is pending before the Hon'ble Supreme Court. Put up after eight weeks, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 5125/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Nitin Trivedi, for the petitioner.
Mr. Narpat Singh, for the respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 524/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Nitin Trivedi, for the petitioner.
Mr. Vineet Dave, for the respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 5420/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Bharat Shrimali, for the petitioner.
Mr. Rameshwar Dave, Deputy Govt. Advocate.

By the instant writ petition, the petitioner has challenged the order Annx.1 dated 26-8-2005, by which he was put under suspension.

An alternative remedy of appeal under rule 23 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 is available to the petitioner and without availing that remedy, he has directly filed the writ petition.

The writ petition is, therefore, dismissed on the ground of availability of alternative remedy. However, the petitioner is at liberty to file an appeal ventilating his grievances within fifteen days from today and if such an appeal is filed by him, the Appellate Authority will consider and decide the same utmost expeditiously. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 6047/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Deepesh Beniwal, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 819/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Sunil Bishnoi, for the petitioner.
Miss Kusum Rao, for the respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 876/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

None present for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

No one appears for the petitioner. The matter is
adjourned.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1328/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. S.P. Arora, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

At the request, put up after summer vacation.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 1326/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. S.P. Arora, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

At the request, put up after summer vacation.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2486/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. S.P. Arora, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

At the request, put up after summer vacation.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2485/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. S.P. Arora, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

At the request, put up after summer vacation.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2487/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. S.P. Arora, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

At the request, put up after summer vacation.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 2965/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

None present for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

Learned Deputy Government Advocate prays and is
granted six weeks' time to file reply.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3721/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Harish Purohit, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3865/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Sanjeet Purohit, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 5579/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. B.P. Rajpurohit, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 6976/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. B.L. Tiwari, Deputy Govt. Advocate for petitioners.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 6958/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Nitin Trivedi, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

Put up after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 7230/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

None present for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

Learned Deputy Government Advocate prays and is
granted six weeks' time for filing reply.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 7269/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. B.R. Bera, for the petitioner.

Mr. B.L. Tiwari, Deputy Govt. Advocate for respondents.

Put up along with identical matters after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 7268/2006

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. B.R. Bera, for the petitioner.

Mr. S.M. Toshniwal for Mr. N.M. Lodha, Addl. Advocate General.

Put up along with identical matters after summer vacation, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 477/2007

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. P.R. Mehta, for the petitioner.

Mr. Rameshwar Dave, Deputy Govt. Advocate.

Learned counsel for the petitioner to supply a copy of the writ petition to the learned Deputy Government Advocate. Learned Deputy Government Advocate prays and is granted six weeks' time to file reply.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 497/2007

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. R.S. Saluja, for the petitioner.

Mr. Rameshwar Dave, Deputy Govt. Advocate for respondents.

Put up on 11-7-2007, as prayed.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 5065/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

None present for the petitioner.

Mr. Rameshwar Dave, Deputy Govt. Advocate for respondents.

No one appears for the petitioner. The matter is
adjourned.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3224/2005

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. N.R. Choudhary, for the petitioner.
Mr. N.M. Lodha, Additional Advocate General.
Mr. J.P. Joshi, for respondent RPSC.

At the request of learned counsel for the petitioner,
list the matter on 09-7-2007 along with identical part heard
matters being SBCWP No. 4679/2004, 4682/2005 and
7082/2005 as also SBCWP No. 4985/2005.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3392/2007
(Haliya Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3393/2007

(Roopa Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3394/2007
(Hakru Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3395/2007
(Maniya Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3396/2007
(Motiya Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3397/2007
(Dhulji Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3398/2007
(Rawji Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3399/2007
(Mansu Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3410/2007
(Smt. Hantu Vs. State of Rajasthan & Anr.)

Date of Order: May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3411/2007
(Jeewa Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3412/2007
(Narayan Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3413/2007
(Rakmi Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3414/2007
(Dhanji Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3415/2007
(Keshar Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3427/2007
(Kanku Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3424/2007
(Roopa Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3422/2007
(Hakri Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3428/2007
(Kali Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3419/2007
(Amri Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3419/2007
(Rakmi Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3420/2007
(Laxman Vs. State of Rajasthan & Anr.)

Date of Order: May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3426/2007
(Chandaniya Vs. State of Rajasthan & Anr.)

Date of Order: May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3413/2007
(Rakmi Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3425/2007
(Tulsi Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3417/2007
(Kanku Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3421/2007
(Rakma Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3423/2007
(Ladki Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3416/2007
(Rakmi Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

mcs

S.B. Civil Writ Petition No. 3418/2007
(Jawda Vs. State of Rajasthan & Anr.)

Date of Order:

May 30, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Pankaj Sharma, for the petitioner.

By the instant writ petition, the petitioner has challenged his/her retrenchment from service in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (for short, "the I.D. Act" hereinafter).

In U.P. State Spg. Co. Ltd. Vs. R.S. Pandey, (2005) 8 SCC 264, the Hon'ble Supreme Court held in categorical terms that the writ petition under Article 226 of the Constitution of India should not be entertained when the statutory remedy is available under the Act unless exceptional circumstances are made out.

In Uttaranchal Forest Development Corporation Vs. Jabar Singh, & ors., (2007) 2 SCC 112, the Hon'ble Supreme Court held that the High Court should not deviate from the general view and interfere under Article 226 of the Constitution except when a very strong case is made out for making a departure. There are several decisions to the same effect. The Apex Court further held that the petitioners, who have not invoked the jurisdiction of the Tribunal are not entitled to any relief in the writ petitions.

A Constitution Bench of this Court in Gopi Lal Teli & ors. Vs. State of Rajasthan & ors., 1995 (1) RLR 1, held as under:-

"The Industrial Disputes Act, 1947, which is a special statute has been enacted by the Parliament for setting the industrial disputes through conciliation and if not possible, then by the Tribunals constituted under the Act, and also to reduce the field of conflict between the employer and the employees in order to increase the industrial growth of the country. The Act is a self contained code and provides complete procedure, even machinery has been provided for recovering the money due from the employer to the employee under section 33-C of the Act. In our opinion even where the question is raised as to whether the principles of natural justice have been complied with before passing the impugned order or not, is also a question of fact which requires investigation. Similarly, the question as to whether the order is without jurisdiction is also essentially a question of fact and requires investigation before reaching a conclusion and that investigation or enquiry in our opinion is normally beyond the scope of Article 226 of the Constitution of India and these questions can be suitably agitated and adjudicated upon by the authorities constituted under the Act, on the basis of evidence adduced by the parties."

Since the petitioner is having the alternative remedy which is efficacious in nature provided by the Statute under the I.D. Act before the Industrial Disputes Tribunal and Labour Court, without availing of the alternative remedy available under the Statute, the petitioner has straightway filed the writ petition under Article 226 of the Constitution of India, which cannot be entertained on the ground of availability of alternative remedy to the petitioner.

The writ petition stands dismissed on the ground of availability of alternative remedy. The petitioner may approach the State Government for making a reference within one month and if the petitioner approaches the State Government, the State Government may refer the same to the Labour Court for adjudication in accordance with law. There shall be no order as to costs.

(H.R. PANWAR), J.

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